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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,578	03/22/2004	E. John Sebes	SCOR-00000	2215
28960 7590 02/08/2008 HAVERSTOCK & OWENS LLP 162 N WOLFE ROAD SUNNYVALE, CA 94086			EXAMINER WALSH, JOHN B	
			ART UNIT 2151	PAPER NUMBER
			MAIL DATE 02/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,578

Applicant(s)

SEBES ET AL.

Examiner

John B. Walsh

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/29/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 6, 8-10, 13-19, 21, 22, 25-31 and 33-38 and 40-43 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,442,686 to McArdle et al.

As concerns claims 1 and 17, intercepting a message/first service request (abstract), the message sent from a client (abstract) to a server (abstract-mail server) over a communication-conduit/network (figure 3); and determining whether one or more communication-conduit usage conditions are met (abstract).

As concerns claims 2 and 18, forwarding the message to the server over the communication-conduit when the one or more usage conditions are met (abstract).

As concerns claims 3, 26, 14, 19, 31 and 38, identifying a first network address (col. 4, lines 18-20) of the server, a second network address (col. 4, lines 18-20) of the client and a port number (col. 6, line 61; col. 7, lines 10-20) of the communication-conduit.

As concerns claims 5, 21, 30 and 37, determining step comprises (a) obtaining a confirmation from a human (col. 8, lines 66-67), (b) determining whether the communication conduit was used by the client prior to the client's sending the message, or (c) determining whether the client sent the message within an authorized time-window.

As concerns claims 6, obtaining confirmation from a human, wherein the human (a) is associated with the client or (b) has administrative privilege (col. 8, lines 66-67).

As concerns claim 8, determining whether a configuration of the client comprises one or more pre-determined data (col. 6, lines 65-67).

As concerns claim 9, determining whether a repository comprises one or more authorization data pertinent to the message (col. 6, lines 37-40).

As concerns claims 13 and 25, discarding the message when the one or more usage conditions are not met (abstract lines 12-14).

As concerns claims 15 and 27, logging a result of the determining step (col. 3, lines 54-55; col. 7, lines 45-55).

As concerns claims 16 and 28, notifying a system-administrator of a result of the determining step (col. 12, line 17).

As concerns claims 22 and 43, the service-proxy determines a request-type indicated by the service request (col. 6, lines 65-67; SMTP).

As concerns claims 29 and 36, a communication/service proxy (col. 3, line 26; col. 6, line 55) for intercepting a message from a client (abstract) to a server (abstract-mail server) over a communication conduit/network (figure 3); wherein the communication/service proxy determines whether one or more communication conduit usage conditions are met, and wherein the communication proxy forwards the message to the server over the communication conduit when the one or more usage conditions are met or discards the message when the one or more usage conditions are not met (abstract lines 12-14).

As concerns claims 33 and 40, the communication proxy resides in a network element such as a switch or router (broadest reasonable interpretation and in light of the specification p. 12-communication device that is part of a data network between physical communication

interfaces and communication medium), the network element in a communication path between the client and the server (col. 6, lines 55-56).

As concerns claims 34 and 41, the communication proxy and the client reside on the same host (figure 3, 380; client and server are interchangeable based on perspective of sending or receiving).

As concerns claims 35 and 42, the communication proxy and the server reside on the same host (figure 3, 380).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 7, 10, 20, 23, 24, 32 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,442,686 to McArdle et al. as applied above in view of U.S. Patent Application Publication 2003/0120811 to Hanson et al.

McArdle et al. '686 do not explicitly disclose sending a plurality of DHCP reply messages for binding a first address of a first host to a second address of a second host, the plurality of DHCP reply messages sent to a third host, the server residing on the first host, and the client residing on the third host.

Hanson et al. '811 teach DHCP (0286, 0287).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the system of McArdle et al. '686 with DHCP, as taught by Hanson et al. '811, in

order to provide a means of automatically assigning addresses. Such a modification is a combination of known elements yielding predictable results.

As concerns claims 7, 10, 23 and 24, McArdle et al. '686 do not explicitly disclose, determining whether a second service request of the same request type as the first service request/one or more predetermined request types was forwarded to the server within a specific context, wherein a context comprises a TCP connection or a session (0032).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the system of McArdle et al. '686 with TCP, as taught by Hanson et al. '811, in order to provide a standard transport protocol that is reliable.

5. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,442,686 to McArdle et al. as applied above in view of U.S. Patent No. 6,587,877 to Dougliis et al.

McArdle et al. '686 do not explicitly disclose determining whether the message is sent within a pre-determined time-window, wherein the time window comprises one or more weekday peak usage hours.

Dougliis et al. '877 teach determining whether the message is sent within a pre-determined time-window, wherein the time window comprises one or more weekday peak usage hours (col. 3, lines 1-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the system of McArdle et al. '686 with determining a time window, as taught by Dougliis et al. '877, in order to provide a means of providing a correspondence between the time of communication and the budget of the user, thus balancing the traffic of the network and

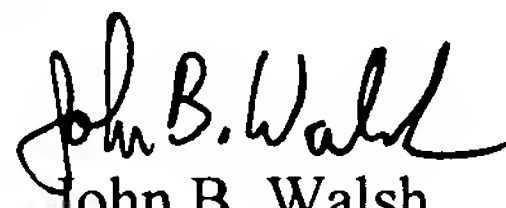
saving the user more money. Such a modification is a combination of known elements yielding predictable results.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Thursday from 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


John B. Walsh
Primary Examiner
Art Unit 2151